UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,198	07/27/2001	Lakshminarayanan Gunaseelan	A-69523/RMA	8315

7590 01/27/2006	**EXAMINER**
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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/917,198	GUNASEELAN ET AL.
	Examiner	Art Unit
	LaShonda T. Jacobs	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 November 2005</u>.

2a)☐ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21 and 24-39</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) <u>1-21 and 24-39</u> are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to applicants' Request for Reconsideration filed on November 3, 2005. The rejections of this application have been withdrawn due to a restriction requirement (the examiner should have raised the issue of a second restriction after Applicants' amended the first restriction and the examiner takes this opportunity to correct her position by raising the issue of a second restriction). Claims 1-18 and 20-29 are presented for examination.

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121.

I. Claims 1-11, 13-25 and 27-28, drawn to a delivery system for use in a client server computer architecture in which the server provides streaming media assets to at least one client over a network wherein the media assets can have a plurality of data formats, comprising a packet producer that acquires at least one streaming media asset in packetized form and places time stamps ....., a time stamp packet queue containing packets with time stamps in a first in, first out order, and a feeder module that removes module packets from the time stamp packet queue ....classified in class 709/231.

II. Claims 12 and 29-31, drawn to a delivery system for use in a client server computer drawn to a delivery system for use in a client server computer architecture in which the server provides streaming media assets to at least one client over a network wherein the media assets can have a plurality of data formats, comprising a packet producer that

acquires at least one streaming media asset in packetized form and places time stamps ....., a time stamp packet queue containing packets with time stamps in a first in, first out order, a feeder module that removes module packets from the time stamp packet queue ....wherein the packet producer comprises a stream reader and a stream processor..., wherein at least one of the time stamps is adjusted for an early delivery in accordance with the receiving client's pre-read size capability classified in class 709/226.

III. Claims 35-36, drawn to a delivery system for use in a client server computer architecture in which the server provides streaming media assets that can have a plurality of data formats to at least one client over a computer network, the method comprising, acquiring at least one streaming media asset in packetized form.....defining a time window in terms of a first duration of time, computing the number of bytes needed to be delivered during the time window..., translating the computed number of bytes into a first time to process value fir the streaming media asset, and admitting for delivery the first streaming media asset if the first time to process value is smaller than the time window, classified in classified in class 370/230.

IV. Claims 26, 32-34 and 37, drawn to a delivery system for use in a client server computer drawn to a delivery system for use in a client server computer architecture in which the server provides streaming media assets to at least one client over a network wherein the media assets can have a plurality of data formats, comprising a packet producer that acquires at least one streaming media asset in packetized form and places time stamps .....,

a time stamp packet queue containing packets with time stamps in a first in, first out order, a

feeder module that removes module packets from the time stamp packet queue ....wherein

the packet producer comprises a stream reader and a stream processor..., wherein at least

one of the time stamps is adjusted for an early delivery in accordance with the receiving the

max buffer size value, classified in class 709/223

V. Claims 38 and 39, drawn to a delivery system for use in a client server computer

architecture in which the server provides streaming media assets that can have a plurality of

data formats to at least one client over a computer network, the method comprising,

acquiring at least one streaming media asset in packetized form.....providing a space

window comprising a value representing an amount of contiguously stored data, scanning

with the space window a file containing a media asset to be transmitted from the server

computer system to the client computer system, and returning a value representing the

shortest duration of time over which the data contained in the space window can be

delivered, classified in class 370/235.

2.   The inventions are distinct, each from another because of the following reasons:

Inventions I and II are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as wherein at least one

of the time stamps is adjusted for an early delivery in accordance with the receiving client's pre-

read size capability (as set forth in invention II). See MPEP § 806.05(d).

3.   The inventions are distinct, each from another because of the following reasons:

Inventions I and III are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as defining a time

window in terms of a first duration of time, computing the number of bytes needed to be

delivered during the time window..., translating the computed number of bytes into a first time

to process value fir the streaming media asset, and admitting for delivery the first streaming

media asset if the first time to process value is smaller than the time window (as set forth in

invention III. See MPEP § 806.05(d).

4.   The inventions are distinct, each from another because of the following reasons:

Inventions I and IV are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as in wherein at least

one of the time stamps is adjusted for an early delivery in accordance with the receiving the max

buffer size value (as set forth in invention IV. See MPEP § 806.05(d).

5.   The inventions are distinct, each from another because of the following reasons:

Inventions I and V are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as in providing a space

window comprising a value representing an amount of contiguously stored data, scanning with

the space window a file containing a media asset to be transmitted from the server computer

system to the client computer system, and returning a value representing the shortest duration of

time over which the data contained in the space window can be delivered (as set forth in

invention V). See MPEP § 806.05(d).

6.   The inventions are distinct, each from another because of the following reasons:

Inventions II and III are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as defining a time

window in terms of a first duration of time, computing the number of bytes needed to be

delivered during the time window..., translating the computed number of bytes into a first time

to process value fir the streaming media asset, and admitting for delivery the first streaming

media asset if the first time to process value is smaller than the time window (as set forth in

invention III). See MPEP § 806.05(d).

7.   The inventions are distinct, each from another because of the following reasons:

Inventions II and IV are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as in wherein at least

one of the time stamps is adjusted for an early delivery in accordance with the receiving the max

buffer size value (as set forth in invention IV). See MPEP § 806.05(d).

8.   The inventions are distinct, each from another because of the following reasons:

Inventions II and V are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as in providing a space

window comprising a value representing an amount of contiguously stored data, scanning with

the space window a file containing a media asset to be transmitted from the server computer

system to the client computer system, and returning a value representing the shortest duration of

time over which the data contained in the space window can be delivered (as set forth in

invention V). See MPEP § 806.05(d).

10.   The inventions are distinct, each from another because of the following reasons:

Inventions III and IV are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as in wherein at least

one of the time stamps is adjusted for an early delivery in accordance with the receiving the max

buffer size value (as set forth in invention IV). See MPEP § 806.05(d).

11.   The inventions are distinct, each from another because of the following reasons:

Inventions III and V are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as in providing a space

window comprising a value representing an amount of contiguously stored data, scanning with

the space window a file containing a media asset to be transmitted from the server computer

system to the client computer system, and returning a value representing the shortest duration of

time over which the data contained in the space window can be delivered (as set forth in

invention V). See MPEP § 806.05(d).

12.   The inventions are distinct, each from another because of the following reasons:

Inventions IV and V are related as sub-combinations disclosed as usable together in a single

combination. The sub-combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as in providing a space

window comprising a value representing an amount of contiguously stored data, scanning with

the space window a file containing a media asset to be transmitted from the server computer

system to the client computer system, and returning a value representing the shortest duration of

time over which the data contained in the space window can be delivered (as set forth in

invention V). See MPEP § 806.05(d).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
Jnauary 21, 2005

ARIO ETIENNE
PRIMARY EXAMINER